



116-148

3207

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#9

In re Patent Application

Examiner: S. Cronin

Brian M. Adams, et al.

Art Unit: 3207

Serial No.: 08/441,322

TERMINAL DISCLAIMER

Filed: May 15, 1995

April 7, 1997

For: SPILL-REDUCTION CAP FOR FLUID CONTAINER

250 JU 04/23/97 08441322  
110.00 CK  
1 148Assistant Commissioner for Patents  
Washington, D.C. 20231

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GROUP 3200

## TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING

REJECTION (37 CFR 1.321(b))  
and CERTIFICATE UNDER 37 CFR 3.73(b)

Name(s) of disclaimant(s): Julian Caplan

Residing at: Flehr, Hohbach, Test, Albritton & Herbert  
4 Embarcadero Center, Suite 3400  
San Francisco, CA 94111-4187

represent that I am

- an inventor of this invention
- an assignee of this invention
- a representative authorized to sign on behalf of the assignee identified below.

The undersigned certifies the assignee listed below is the assignee of the entire right, title and interest in the Patent Application identified above by reason of the following:

## Identity of Assignee and Title of Disclaimant (if applicable)

The assignee is Portola Packaging, Inc., A Delaware corporation.

Name of assignee: Portola Packaging, Inc.  
Address of assignee: 890 Faulstich Court  
San Jose, CA 95112

Title of disclaimant: Attorney for applicants, authorized to sign on behalf of assignee

**Recordal of Assignment in PTO**

- the assignment was recorded on: July 7, 1995  
Reel 7671  
Frame 0197  
 authorization for recordal of the assignment is separately attached

**Extent of Interest**

**RECEIVED**

The extent of my (our) interest is in

APR 25 1997

- the whole of this invention  
 a sectional interest in this invention as follows (here state the exact interest of the disclaimant(s):

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**Disclaimer**

I hereby disclaim the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of:

- United States Patent No. 5,513,763, as presently shortened by any terminal disclaimer.  
 Any patent granted on application number  
08/\_\_\_\_, filed \_\_\_\_\_,

and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

- United States Patent No. 5,513,763  
 Any patent granted on application  
08/\_\_\_\_, filed \_\_\_\_\_,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

- United States Patent No. 5,513,763, as presently shortened by any terminal disclaimer  
 Any patent granted on application number  
08/\_\_\_\_, filed \_\_\_\_\_,

in the event that it later; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**TITLE TO PRIOR PATENT/APPLICATION**

Assignment of said

U.S. Patent No. 5,513,763

Any patent granted on application number  
08/\_\_\_\_

is evidenced by Assignment recorded on July 7, 1995

Reel 7604

Frame 0228

The undersigned has reviewed all the documents in the chain of title of the patent applications identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

**Fee Status (37 CFR 1.20(d) and 37 CFR 1.321)**

other than a small entity--fee \$110.00

small entity--fee \$55.00

verified statement attached

verified statement filed on \_\_\_\_\_

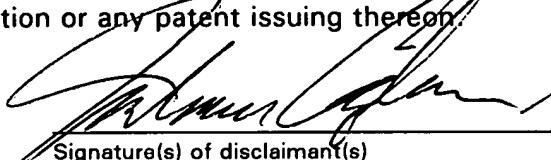
**Fee Payment**

Attached is a check in the sum of \$110.00

Charge Account 06-1300 the sum of \$\_\_\_\_\_.

A duplicate copy of this disclaimer is attached.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Signature(s) of disclaimant(s)

Julian Caplan, Attorney for Applicants

Reg. # 14,785